

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS	:	MDL NO. 1203
(PHENTERMINE, FENFLURAMINE,	:	
DEXFENFLURAMINE) PRODUCTS	:	
LIABILITY LITIGATION	:	
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THIS DOCUMENT RELATES TO:	:	
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SHEILA BROWN, et al.	:	
<hr/>		
v.	:	
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AMERICAN HOME PRODUCTS	:	
CORPORATION	:	
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	:	CIVIL ACTION NO. NO. 99-20593

PRETRIAL ORDER NO. 8516

AND NOW, this 19th day of August, 2010, upon consideration of the Joint Petition for an Award of Attorneys' Fees and Expense Reimbursements Relating to Common Benefit Work Performed from April 1, 2007 through December 31, 2009 and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. As used herein, the "Current Joint Fee Applicants" means: Alexander & Associates, P.C.; Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley, P.C.; Cummings, Cummings & Dudenhefer ("Cummings"); Hill & Parker; Samuel Issacharoff, Esquire; Levin, Fishbein, Sedran & Berman ("Levin Fishbein"); Lieff, Cabraser, Heimann & Bernstein, LLP ("Lieff Cabraser"); Alex MacDonald, Esquire ("MacDonald"); Roda Nast, P.C. ("Nast"); and Shrager, Spivey & Sachs, and the "Current PMC Fee Applicants" means: Cummings, Levin Fishbein, Lieff Cabraser, MacDonald and Nast.

2. The court hereby approves the reimbursement of \$1,585,489.29 in litigation expenses incurred by the Current Joint Fee Applicants, including amounts previously approved by the court or advanced pursuant to order of the court, to be paid, reimbursed and/or allocated as follows:

- a. Prior expense reimbursements in the amount of \$740,154.85 shall be attributed to the MDL 1203 Fee and Cost Account as having been properly and finally allocated to that Account for payment;
- b. Within twenty days from the date of this Order, the AHP Settlement Trust ("Trust") shall transfer the amount of \$740,154.85 to the Escrow Agent for the MDL 1203 Fee and Cost Account to reimburse that account for expense reimbursements previously paid from that Account which should ultimately be paid by the Settlement Fund under Sections III.B.2, III.C.3 and VIII.E.1 of the Settlement Agreement; and
- c. Within twenty days from the date of this Order, the Trust shall pay the following amounts from the Settlement Fund and the Escrow Agent for the MDL 1203 Fee and Cost Account shall pay the following amounts from the MDL 1203 Fee and Cost Account to the following Current Joint Fee Applicants to reimburse them for previously unreimbursed litigation expenses incurred and paid by them:

Joint Fee Applicant	Amount to be Paid by the Trust	Amount to be Paid by the MDL 1203 Fee and Cost Account
Alex MacDonald, Esquire	0	0
Alexander & Associates, P.C.	0	0

Joint Fee Applicant	Amount to be Paid by the Trust	Amount to be Paid by the MDL 1203 Fee and Cost Account
Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, P.C.	0	0
Cummings, Cummings & Dudenhefer	\$ 9,276.74	\$ 9,276.74
Hill & Parker	\$ 3,165.15	\$ 3,165.15
Levin, Fishbein, Sedran & Berman	\$29,983.75	\$29,983.75
Lieff, Cabraser, Heimann & Bernstein, L.L.P.	\$ 5,554.21	\$ 5,554.21
Roda Nast, P.C.	\$ 4,609.95	\$ 4,609.95
Samuel Issacharoff, Esquire	0	0
Shrager Spivey & Sachs	0	0

3. In addition to the amounts previously awarded in Pretrial Order Nos. 2622 and 7763A, the court hereby awards the Current Joint Fee Applicants an attorneys' fee in the aggregate amount of \$15,000,000 to be paid from funds on deposit in the Fund A Escrow Account to compensate the Current Joint Fee Applicants for class-related work performed by them during the period from April 1, 2007 through December 31, 2009.

4. The aggregate award of fees from the Fund A Escrow Account as set forth in the preceding paragraph of this Order shall be allocated among and distributed and paid to the following law firms/attorneys in the following amounts:

Current Joint Fee Applicant	Allocable Percentage	Payment Amount
Alex MacDonald, Esquire	0.1274%	\$ 19,109.23
Alexander & Associates, P.C.	0.7310%	\$ 109,645.93
Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley, P.C.	0.1364%	\$ 20,464.15
Cummings, Cummings & Dudenhefer	5.9415%	\$ 891,224.08
Hill & Parker	1.2621%	\$ 189,310.89
Samuel Issacharoff, Esquire	0.4345%	\$ 65,181.89
Levin, Fishbein, Sedran & Berman	76.4011%	\$11,460,167.28
Lieff, Cabraser, Heimann & Bernstein, LLP	0.6038%	\$ 90,571.25
Roda Nast, P.C.	13.7934%	\$ 2,069,013.94
Shrager, Spivey & Sachs	0.5687%	\$ 85,311.36

5. No earlier than twenty days after the date of this Order and as soon thereafter as is commercially reasonable, PNC Bank ("PNC"), as Escrow Agent for the Fund A Escrow Account, shall disburse from the Fund A Escrow Account the payments set forth in paragraph 4 of this Order. PNC shall make such payments by check, and shall deliver such checks to the payees by overnight courier in a manner that generates a written acknowledgment of receipt by the payee.

6. In addition to the amounts previously awarded in Pretrial Order Nos. 2622 and 7763A, the court hereby awards the Current PMC Fee Applicants an attorneys' fee in the aggregate amount of \$6,580,000 to be paid from funds on deposit in the MDL 1203 Fee and Cost Account to compensate such attorneys for

services of benefit to the plaintiffs in MDL 1203 and the coordinated state court litigation performed by them during the period from April 1, 2007 through December 31, 2009.

7. The aggregate award of fees from the MDL 1203 Fee and Cost Account as set forth in the preceding paragraph of this Order shall be allocated among and distributed and paid to the following law firms/attorneys in the following amounts:

Current Joint Fee Applicant	Allocable Percentage	Payment Amount
Alex MacDonald, Esquire	0.0662%	\$ 4,357.56
Cummings, Cummings & Dudenhefer	3.0886%	\$ 203,229.75
Levin, Fishbein, Sedran & Berman	89.3610%	\$5,879,952.96
Lieff, Cabraser, Heimann & Bernstein, LLP	0.3139%	\$ 20,653.36
Roda Nast, P.C.	7.1703%	\$ 471,806.36

8. No earlier than twenty days from the date of this Order and as soon thereafter as is reasonably practicable, Gregory P. Miller, Esquire, as Escrow Agent for the MDL 1203 Fee and Cost Account, shall disburse from said Account the payments set forth in paragraph 7 of this Order. Mr. Miller shall make such payments by check, and shall deliver such checks to the payees by overnight courier in a manner that generates a written acknowledgment of receipt by the payee. In order to make these payments, Mr. Miller may transfer funds from the MDL 1203 Fee and

Cost Account to a disbursement account at an appropriate financial institution.

BY THE COURT:


C.J.